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THE MEMORY OF THE LIVING: POLITICAL COMMEMORATIONS OF ALLIES BY TWO TENTH-CENTURY ROYAL WOMEN

Megan Welton*

Abstract: In the early Middle Ages, the public commemoration of recently deceased persons served to shape the immediate political future. In royal and noble circles, the creation and issuance of charters in the wake of death helped stave off potential discord by forging new political bonds and publicly confirming the legal transfer of significant holdings. This article analyzes this dynamic of immediate postmortem commemoration in two tenth-century kingdoms, late Carolingian Francia and the Ottonian Empire. In these realms, Queen Gerberga and Empress Adelheid advocated for recently dead allies to ensure their memory persisted through their intercessions and interventions in confirmation charters. In doing so, these royal women used the deaths of *fideles* both within and, more intriguingly, outside of their family circles to shore up their own political aims and consolidate their political futures. Examining these moments of potential crisis illuminates how early medieval queens and empresses acted as agents of memory indispensable to the earliest stages of commemoration. It equally demonstrates how rulers seized on the afterlives of their allies to perpetuate existing networks of social relations and promote belief in the justice of their rule.
Keywords: tenth-century politics, early medieval queenship, memory, charters, testamentary law.

In the early Middle Ages, the public commemoration of recently deceased persons served to shape the immediate political future. In royal and noble circles, the creation and issuance of charters in the wake of death helped stave off potential discord by forging new political bonds and publicly confirming the legal transfer of significant holdings. These charters epitomize the wider responsibility of survivors to undertake correct, communally agreed-upon forms of commemoration for the recently deceased in tenth-century politics. They likewise illustrate the strategies early medieval queens and empresses employed to secure their immediate interests and to reset their future trajectories.

In the period directly after the death of loyal allies, queens and empresses repeatedly took charge of the institution of *memoria*, publicly exhibiting both their close ties to the deceased and their own visions for the political future. Two tenth-century royal women—Queen Gerberga of Francia (d. after 968) and Empress Adelheid of the Ottonian Empire (d. 999)—left behind clear evi-

* Utrecht University, Trans 10, 3512 JK Utrecht. This article resulted from research while I was the Arts and Letters Postdoctoral Fellow at the London Undergraduate Program at the University of Notre Dame and concluded while I was a postdoctoral fellow on the project NWO VICI-Rose 277-30-002 *Citizenship Discourses in the Early Middle Ages, 400–1100*, funded by the Netherlands Organisation for Scientific Research (NWO). I would like to thank Tom Noble for his invaluable comments and critiques on several drafts of this article, Jinty Nelson for reading an earlier version and her immensely helpful advice at a critical juncture, Els Rose for her astute comments and critiques on numerous occasions, as well as the remarks and suggestions of the anonymous reviewers.

dence of swift action taken after the death of allies to secure the *memoria* of their *fideles*. In acting thus, these royal women bolstered favored institutions, reestablished political consensus, and burnished their own reputations for just rule. The stakes were high: the death of a strong ally created absence that could unsettle the political dynamics in Carolingian and Ottonian courts alike. However, the space created by such a death also created opportunities for rulers, as exemplified by Gerberga and Adelheid.

Examining the commemorative acts undertaken immediately after death by these tenth-century royal women clarifies how death's power to produce social disintegration could be converted into a means of forging consensus for the political future. By vigorously promoting the testamentary wishes of the deceased, Queen Gerberga and Empress Adelheid mobilized consensus for the just transmission of property and the public fulfillment of promises. Studying their actions reveals how *memoria* could be mined in the short term, and how, in the Middle Ages more broadly, political actors immediately seized on the afterlives of their allies to perpetuate existing networks of social relations and to encourage belief in their own just governance.

Memoria and Its Sources in the Middle Ages

Memory, and especially the remembrance of the dead, structured religious practice, historical writing, and social identities throughout the Middle Ages.[1] Under the larger concept of *memoria*, a key distinction can be made between the cognitive process of remembering, on the one hand, and commemorations, or communal practices intended to honor the memory of a particular individual or event, on the other.[2] As a component of rhetorical education and oratorical

[1] The scholarship on *memoria* in the Middle Ages is extensive, but central works include Ludwig Volkmann, "Ars memorativa," *Jahrbuch der Kunsthistorischen Sammlungen in Wien: Neue Folge* 3 (1929) 117–122. Helga Hajdú, *Das mnemotechnische Schrifttum des Mittelalters* (Vienna 1936); Frances Yates, *The Art of Memory* (Chicago 1966). Karl Schmid and Joachim Wollasch, eds., *Memoria: Der geschichtliche Zeugniswert des liturgischen Gedenkens im Mittelalter* (Munich 1984); Mary Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge 1990); James Fentress and Chris Wickham, *Social Memory* (Oxford 1992); Jacques Le Goff, *History and Memory*, trans. Steven Rendall and Elizabeth Claman (New York 1992); Otto Gerhard Oexle, ed., *Memoria als Kultur* (Göttingen 1995); Mary Carruthers, *The Craft of Thought: Meditation, Rhetoric and the Making of Images 400–1200* (Cambridge 1998); Astrid Erll, *Kollektives Gedächtnis und Erinnerungskulturen: Eine Einführung* (Stuttgart 2005), later translated as *Memory in Culture*, trans. Sara B. Young (New York 2011); and Arnoud-Jan Bijsterveld, *Do ut des: Gift Giving, Memoria, and Conflict Management in the Medieval Low Countries* (Hilversum 2007).

[2] Nicholas Paul and Suzanne Yeager, "Introduction: Crusading and the Work of Memory, Past and Present," in *Remembering the Crusades: Myth, Image, and Identity*, ed. Nicholas Paul and Suzanne Yeager (Baltimore 2012) 6–7; and Elma Brenner, Meredith Cohen, and Mary Franklin-Brown, "Introduction," in *Memory and Commemoration in Medieval Culture*, ed. Elma Brenner, Meredith Cohen, and Mary Franklin-Brown (Farnham 2013) 2.

performance, the cognitive process of remembering attracted considerable attention from classical, medieval, and early modern authors themselves. Present-day theorists remain interested in tracing the transmission of this *ars memoriae* and its far-reaching influence.[3] However, another distinctive branch of *memoria*, namely, the commemoration of the dead through the political actions and religious prayers of the living, occupied an equally important place in the political life of the early medieval world.[4] It is this branch of *memoria* with which this article is principally concerned.

When investigating *memoria* before the twelfth century, scholars have written extensively on the ways in which both the cognitive and commemorative processes of *memoria* helped transform events from the living texture of the past into digestible historical works. This construction of memory has typically been cast as a temporally extended process, unfolding over decades or even centuries. Elisabeth van Houts has argued that "memory is the result of a 'digestive' process whereby past deeds are churned up and presented in the light of present circumstances."[5] This picture accords with the influential accounts of "transformations between history and memory" provided by Maurice Halbwachs, Aleida Assmann, and other scholars of modern memorial practice.[6] Yet, the past that served as the subject for *memoria* need not be so far removed. In moments of political transition—particularly those surrounding death—queens and empresses, like other political actors, took immediate steps to establish correct forms of commemoration and ensure the just distribution of the dead's financial resources, as this article will demonstrate.

[3] A recent overview of the classical and medieval transmission of the *ars memoriae* from an alternative perspective can be found in Kimberly A. Rivers, *Preaching the Memory of Virtue and Vice: Memory, Images, and Preaching in the Late Middle Ages* (Turnhout 2010) 27ff. See also Rivers, "Memory and History in the Middle Ages," in *Writing the History of Memory*, ed. Stefan Berger and Bill Niven (London 2014) 47–65.

[4] Patrick Geary, *Phantoms of Remembrance: Memory and Oblivion at the End of the First Millennium* (Princeton 1994); Amy Remensnyder, "Legendary Treasure at Conques: Reliquaries and Imaginative Memory," *Speculum* 71.4 (1996) 884–906; Elisabeth van Houts, *Memory and Gender in Medieval Europe 900–1200* (New York 1999); and Brenner, Cohen, and Franklin-Brown, *Memory and Commemoration* (n. 2 above).

[5] Elisabeth van Houts, "Changes of Aristocratic Identity: Remarriage and Remembrance in Europe 900–1200," in *Memory and Commemoration*, ed. Brenner, Cohen, and Franklin-Brown (n. 2 above) 233.

[6] Maurice Halbwachs, *Les cadres sociaux de la mémoire*, Collection des travaux de l'Année Sociologique (Paris 1925); Pierre Nora, "Entre Mémoire et Histoire: La problématique des lieux," in *Les lieux de mémoire*, ed. Nora (Paris 1984) 1:23–43; Jan Assmann and John Czaplicka, "Collective Memory and Cultural Identity," *New German Critique* 65 (1995) 125–133; Aleida Assmann, "Memory, Individual and Collective," in *The Oxford Handbook of Contextual Political Analysis*, ed. Robert E. Goodin and Charles Tilly (Oxford 2006) 210–224; and A. Assmann, "Transformations between History and Memory," *Social Research* 75 (2008) 49–72.

The generational transmission of *memoria* within families constituted one major occupation for royal and elite women in the tenth century.[7] Through almsgiving, personal devotion, and the foundation of abbeys, queens, consorts, and other aristocratic women ensured that the names and fame of family members would survive from one generation to the next. Women throughout the Middle Ages created and preserved their families' *memoria* through a range of media, including oral histories, commemorative prayers, and written narratives. These women could be categorized as agents of memory, or "individuals without whom commemoration fails to come into existence or to persist."[8] However, this role of royal women in periods immediately after death was not restricted to the family circle.

One important locus of this kind of *memoria* in the early medieval kingdoms consists in the various texts that remembered the dead, such as necrologies and *Libri vitae* (also known as *Libri memoriales* or *Libri viventium*).[9] Deeply rooted in early Christian liturgical praxis, which underwent significant transformations in subsequent centuries, these were complex and multilayered compendia of registered names of the dead, dates of their death, and (for the *Libri vitae*), the names of those still living. Building on previous scholarship that analyzed these texts as manifestations of a heavenly community, scholars have lately turned to consider their earthly significance, particularly as means of fashioning (or refashioning) the liturgical community's identity.[10]

[7] Scholars have long recognized the crucial roles accorded to medieval women in transmitting the *memoria* of their families. Patrick Geary, paraphrasing Karl Leyser, argues that women acted as the custodians of their husbands' lives and souls. Geary, *Phantoms of Remembrance* (n. 4 above) 63. Leyser, in turn, was referencing Thietmar of Merseburg's praise of Liudgard, the wife of Margrave Werner, whom Thietmar praised as the guardian of her husband's life and soul. Karl Leyser, *Rule and Conflict in Early Medical Society: Ottonian Saxony* (London 1979) 72.

[8] See Vered Vinitzky-Seroussi, *Yitzhak Rabin's Assassination and the Dilemmas of Commemoration* (Albany 2009) 7.

[9] Otto Gerhard Oexle, "*Memoria* und Memorialüberlieferung im früheren Mittelalter," *Frühmittelalterliche Studien* 10 (1976) 70–95; Gerd Althoff, *Adels- und Königsfamilien im Spiegel ihrer Memorialüberlieferung: Studien zum Totengedenken de Billunger und Ottonen* (Munich 1984); Giles Constable, "The Commemoration of the Dead in the Early Middle Ages," in *Early Medieval Rome and the Christian West: Essays in Honour of Donald Bullough*, ed. Julia M. H. Smith (Leiden 2000) 169–195; Janneke Raaijmakers, "Memory and Identity: The *Annales necrologici* of Fulda," in *Texts and Identities in the Early Middle Ages*, ed. Richard Corradini, Rob Meens, Christina Pößel, and Philip Shaw (Vienna 2006) 303–321; and Els Rose, "The Ritual of Names: A Practice of Intercession in Early Medieval Gaul," *Frühmittelalterliche Studien* 51 (2017) 1–18.

[10] Els Rose, "Inscribed in the Book of Life: Liturgical Commemoration in Merovingian Gaul," in *The Oxford History of the Merovingian World*, ed. Bonnie Effros and Isabel Moreira (Oxford 2020) 1012–1030. I would like to thank Els Rose for permitting me to read this article before it came to press.

A second significant locus of *memoria* in the medieval world appears in the central legal and political instrument for the commemoration of the dead by the living—namely, the *testamentum*, or will. While over sixty *testamenta* or *cwide* remain extant for the tenth-century kingdoms in England, only a few wills survive for the Ottonian empire and late Carolingian Francia. Indeed, the robust legal dialogue surrounding witnesses in England has no parallel in Francia or Ottonian Saxony.[11]

The lack of wills on the Continent is unfortunate, for the witness and the will were bound intricately together in the jurisprudence, politics, and literature of the early Middle Ages.[12] The many wills surviving from England provide clear examples of how testators, both male and female, sought to limit disputes occasioned by their absence via written records of their wishes and formal enumerations of witnesses and advocates of both genders.[13] After the

[11] One important exception would be Ruotger's description of Bishop Theoderic of Metz's and Bishop Wicfrid of Verdun's roles as *testes et legationes* for Archbishop Bruno of Cologne. See below. For a wider discussion of the lack of wills in the tenth century, and the need for a systemic study of last wills and testaments in east and west Francia during this period, see Timothy Reuter, "'You Can't Take It With You': Testaments, Hoards and Moveable Wealth in Europe, 600-1100," in *Treasure in the Medieval West*, ed. Elizabeth M. Tyler (York 2000), 11–24, at 21ff.

[12] Scholarship on early medieval wills and testaments is extensive. For instance, see Henri Auffroy, *Évolution du testament en France des origines au XIIIe siècle* (Paris 1899). Michael McMahon Sheehan, *The Will in Medieval England: From the Conversion of the Anglo-Saxons to the End of the Thirteenth Century* (Toronto 1963); Goswin Spreckelmeyer, "Zur rechtlichen Funktion frühmittelalterlicher Testamente," in *Recht und Schrift im Mittelalter*, ed. Peter Classen (Sigmaringen 1977) 91–113; Brigitte Kasten, "Erbrechtliche Verfügungen des 8. und 9. Jahrhunderts: Zugleich ein Beitrag zur Organisation und zur Schriftlichkeit bei der Verwaltung adeliger Grundherrschaften am Beispiel des Grafen Heccard aus Burgund," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 107 (1990) 236–338; Kathryn A. Lowe, "The Nature and Effect of the Anglo-Saxon Vernacular Will," *The Journal of Legal History* 19 (1998) 23–61; Nathaniel Taylor, "Testamentary Publication and Proof and the Afterlife of Ancient Probate Procedure in Carolingian Septimania," in *Proceedings of the Tenth Congress of Medieval Canon Law, Syracuse, New York 13–18 August 1996*, ed. Kenneth Pennington, Stanley Chodorow, and Keith H. Kendall (Vatican City 2001) 767–780; Cristina La Rocca and Luigi Provero, "The Dead and Their Gifts: The Will of Eberhard, Count of Friuli, and His Wife Gisela, Daughter of Louis the Pious (863–864)," in *Rituals of Power: From Late Antiquity to the Early Middle Ages*, ed. Frans Theuws and Janet L. Nelson (Leiden 2000) 225–280; François Bougard, Cristina La Rocca, and Régine Le Jan, eds., *Sauver son âme et se perpétuer: Transmission du patrimoine et mémoire au haut Moyen Âge* (Rome 2005); and Linda Tollerton, *Wills and Will-Making in Anglo-Saxon England* (York 2011).

[13] In particular, see Julia Crick, "Women, Posthumous Benefaction, and Family Strategy in Pre-Conquest England," *Journal of British Studies* 38 (1999) 399–422; Crick, "Men, Women and Widows: Widowhood in Pre-Conquest England," in *Widowhood in Medieval and Early Modern Europe*, ed. Sandra Cavallo and Lyndan Warner (New York 1999) 24–36; and Victoria Thompson, "Women, Power, and Protection in Tenth- and Eleventh-Century England," in *Medieval Women and the Law*, ed. Noël Menuge (Woodbridge 2000) 1–18. For the Continent, albeit in eighth and ninth centuries, see Patricia Skinner, "Women, Wills, and Wealth in Medieval Southern Italy," *Early Medieval Europe* 2 (1993) 133–152; Janet L. Nelson, "The Wary Widow," in *Property and Power in the Early Middle Ages*, ed. Wendy Davies and Paul Fouracre

testator's death, it was the responsibility of the legally recognized survivors, operating in conjunction with the court, to ensure the disposition of the testator's property and satisfy any other binding directives. By acting in these ways, witnesses and advocates converted their unfaded memories of departed allies into concrete social and political realities.[14] As we shall see in the following section, a comparable category of legal agency on the Continent can be found in the intercessor in Frankish and Ottonian charters. Indeed, in Roman and early medieval law codes the roles of the witness and the intercessor often blurred.

Charters themselves represent a third, and crucial, category of textual evidence for the institution of *memoria* from this period. Complicating matters, charters were at times labeled *testamenta*, while the function of the witness in a will and the intercessor in a charter overlapped significantly. Royal diplomas and private charters have long served as the foundation for medieval political history. Although these documents were once seen as precedents for early modern and modern bureaucratic machines, historians have now refined their interpretations of them by reexamining the symbolic aspects of charters, particularly in relation to public ceremonies and ritual.[15] Early medieval scholars have called for a reexamination not only of the performance surrounding the production and issuance of diplomas but also of the performative nature of

(Cambridge 1995) 82–113; and Cristina La Rocca, "Angelberga, Louis's II Wife, and Her Will (877)," in *Ego Trouble: Authors and Identities in the Early Middle Ages*, ed. Richard Corradini, Matthew Gillis, Rosamond McKitterick, and Irene van Renswoude (Vienna 2010) 221–226.

[14] For the increasing professionalization of the witness in tenth-century England, see Andrew Rabin, "The Wolf's Testimony to the English: Law and the Witness in the *Sermo Lupi ad Anglos*," *Journal of English and Germanic Philology* (2006) 388–414; and Rabin, "Witnessing Kingship: Royal Power and the Legal Subject in the Old English Laws," in *Kingship, Legislation and Power in Anglo-Saxon England*, ed. Gale R. Owen-Crocker and Brian W. Schneider (Woodbridge 2013) 219–236. For a tenth-century English queen acting as a legal advocate, see Andrew Rabin, "Old English *forespeca* and the Role of the Advocate in Anglo-Saxon Law," *Medieval Studies* 69 (2007) 223–254.

[15] Hagen Keller, "Zu den Siegeln der Karolinger und der Ottonen: Urkunden als 'Hoheitszeichen' in der Kommunikation des Königs mit seinen Getreuen," *Frühmittelalterliche Studien* 32 (1998) 400–441; Peter Rück, ed., *Mabillons Spur: Zweiundzwanzig Miszellen aus dem Fachgebiet für Historische Hilfswissenschaften der Philipps-Universität Marburg zum 80. Geburtstag von Walter Heinemeyer* (Marburg an der Lahn 1992); Simon Keynes, *The Diplomas of King Æthelred 'the Unready', 978–1016* (Cambridge 1980); Levi Roach, *Kingship and Consent in Anglo-Saxon England, 871–978: Assemblies and the State in the Early Middle Ages* (Cambridge 2013). Brigitte Bedos-Rezak, "Ritual in the Royal Chancery: Text, Image, and Representation of Kingship in Medieval French Diplomas (700–1200)," in *European Monarchy: Its Evolution and Practise from Roman Antiquity to Modern Times*, ed. Heinz Duchhardt, Richard A. Jackson, and David Sturdy (Stuttgart 1992) 27–40; Bedos-Rezak, "Medieval Identity: A Sign and Concept," *American Historical Review* 105 (2000) 1489–1533; Ildar H. Garipzanov, *The Symbolic Language of Authority in the Carolingian World (c. 751–877)* (Leiden 2008); and Geoffrey Koziol, *The Politics of Memory and Identity in Carolingian Royal Diplomas: The West Frankish Kingdom (840–987)* (Turnhout 2012).

royal diplomas themselves, for, as Geoffrey Koziol argues, "any given diploma was issued in order to institute, publicize, and memorialize a crucial alteration in the political regime."[16]

This strategy of memorialization through charters proved essential in moments of political crisis. When discussing medieval royal women, our understanding of political crises often centers on problems of dynastic change, that is the death of the ruling king or emperor followed by the tenuous period of succession of a new ruler. Royal women often come to the fore in historical narratives addressing these turbulent periods; their signal role can also be detected in confirmation charters issued at such times.[17] The royal women under consideration here interceded in a slew of confirmation charters upon the death of their husbands and the yearslong period of dynastic transition that followed. Political crises instigated by death, however, did not always or exclusively center on the royal family. By focusing on Queen Gerberga and Empress Adelheid, for whom a substantial number of charters and other contemporary sources afford rich insights into their specific courses of action, this article argues that early medieval queens and empresses intervened for, and manipulated, the immediate *memoria* of relatives and nonrelatives alike.

A few crucial tenth-century charters attest to the intercession of these royal women in the testamentary affairs of extrafamilial *fideles*.[18] These charters form an important subset of confirmation charters, and were selected for closer study in this article on two grounds: they were issued in the immediate aftermath of a *fidelis*'s death and the diploma did not list a direct familial connection between the queen or empress and the *fidelis* in question. Such diplomas, while small in number, point to both the short-term institutionalization of *memoria* by these royal women and the extension of these women's influence beyond the family.[19] On the evidence of such diplomas, this legal and political

[16] Koziol, *The Politics of Memory* (n. 15 above) 3.

[17] As Pauline Stafford has argued, "[c]risis in the royal family involved all those seen to have a say in its future; and as wife and especially mother the queen is there. Political crisis in the tenth and eleventh centuries often involved, indeed often centered on, the royal family." Pauline Stafford, "Emma: The Powers of the Queen in the Eleventh Century," in *Queens and Queenship in Medieval Europe: Proceedings of a Conference Held at King's College London April 1995*, ed. Anne J. Duggan (Woodbridge 1997) 3–26, at 16.

[18] The queen and empress at the center of this study did not personally compose any of these extant diplomas. Analysis of surviving charters and other texts is conditioned by the archival preservation, selection, and editing practices employed by monks and nuns starting from the first moment of their creation. Even granting these intervening editorial strata, it remains possible to compare how Gerberga and Adelheid turned the immediate post-mortem inscription of *memoria* to their own ends.

[19] For insightful analyses on a select number of charters, see for instance Charles Insley, "Charters, Ritual and Late Tenth-Century English Kingship," in *Gender and Historiography: Studies in the Earlier Middle Ages in Honour of Pauline Stafford*, ed. Janet Nelson, Susan Reynolds, Susan M. Johns (London 2012) 75–90; and Levi Roach, "A Tale of Two Charters:

process not only assured the transmission of the dead person's property to the intended recipients but also offered these royal women the opportunity to reconfigure and consolidate their political networks in the wake of loss.

At specific historical junctures, Gerberga and Adelheid each acted quickly to codify and confirm their *fideles*' testamentary wishes by interceding in diplomas created soon after those allies' deaths. Extant diplomas permit at least the partial reconstruction of this process, beginning with the initial testamentary statement, through the demise of particular allies, and concluding with the queen's and empress's active efforts to create consensus in the space left behind by the dead. A closer look at the legal parallels between witnesses and intercessors in Roman testamentary law and early medieval legal codes provides important context for understanding these royal women's intercessory functions.

Interceding for the Dead in Late Carolingian Francia and the Ottonian Empire

By the tenth century, the designation of a text as a *testamentum* no longer necessarily referred to the Roman or late antique technical procedures for creating a testament.[20] Early medieval authors and scribes applied the term to a wide range of documents, including charters.[21] Even as the semantic range of *testamentum* expanded, the necessity for survivors to uphold testamentary intentions persisted. After death carried off a prominent individual, witnesses and intercessors collaborated with each other, with designated beneficiaries, and with the wider court to forge political consensus around the deceased's documented wishes.

The witness rarely figured in Roman law.[22] A crucial exception, however, was testamentary law. Justinian's *Institutiones* II.x (*De testamentis ordinandis*) detailed the proper procedure for making wills.[23] At every stage, the witness

Diploma Production And Political Performance in Æthelredian England," in *Writing, Kingship and Power in Anglo-Saxon England*, ed. Rory Naismith and David Woodman (Cambridge 2018) 235–256.

[20] Harold Hazeltine, "Comments on the Writings Known as Anglo-Saxon Wills," in *Anglo-Saxon Wills*, ed. Dorothy Whitelock (Cambridge 1930) vii; Ulrich Nonn, "Merowingische Testamente: Studien zum Fortleben einer römischen Urkundenform im Frankenreich," *Archiv für Diplomatik* 18 (1972) 1–129, at 125–127; Lowe, "The Nature and Effect" (n. 12 above) 23; and Josiane Barbier, "Testaments et pratique testamentaire dans le royaume franc (VIe–VIIIe siècle)," in *Sauver son âme et se perpétuer: Transmission du patrimoine et mémoire au haut Moyen Âge*, ed. François Bougard, Cristina La Rocca, and Régine Le Jan (Rome 2005) 7–79, at 10–13.

[21] Barbier, "Testaments" (n. 20 above) 11–12.

[22] John A. Crook, *Legal Advocacy in the Roman World* (Ithaca NY 1995) 144–145.

[23] *Justinian's Institutes*, II.x, trans. Peter Birks and Grant McLeod with the Latin text of Paul Krueger (Ithaca NY 1987) 68–70.

was central; indeed, an unwritten will was deemed valid under civil law so long as the testator declared their wishes in the presence of seven witnesses. While few manuscripts show clear signs of the *Institutiones*' influence until the twelfth century, scholars have illustrated the demonstrable impact that the earlier *Theodosian Code* (hereafter *CTh*) had on Merovingian and Carolingian law.[24] *CTh* 4.4.3 collected the Roman legal codes for testaments and codicils, clearly declaring the requirement of at least five witnesses for the will to be valid.[25] Perhaps more influential, however, was *CTh* 11.39, which underscored the necessity of ascertaining the trustworthiness of witnesses and legal documents and set out procedures for doing so. Following the recitation of Emperor Constantine's *Praeses*, proclaimed in 334, the (subsequently composed) *Interpretatio* of *CTh* 11.39.3 reiterated that witnesses must be bound by oaths before entering any legal case and must swear to speak only the truth.[26] In later Carolingian legislation, the trustworthiness of witnesses was a pronounced concern.[27] Injunctions against false testimony repeatedly appeared in capitularies from at least 781 onward. The *Capitulare missorum generale* of 802 went so far as to label perjury the worst of all crimes.[28] Those convicted of false testimony could lose their right hand, thus incurring an outward symbol of their inability to participate fully in Carolingian governance.

As these codes and capitularies show, the communally recognized trustworthiness of witnesses was crucial to the late Roman and Carolingian legal process. False testimony at the Carolingian court threatened to undermine this

[24] See, for instance, Stefan Esders, *Römische Rechtstradition und merowingisches Königtum: zum Rechtscharakter politischer Herrschaft in Burgund im 6. und 7. Jahrhundert* (Göttingen 1997); Stefan Esders and Helmut Reimitz, "After Gundovald, Before Pseudo-Isidore: Episcopal Jurisdiction, Clerical Privilege and the Uses of Roman Law in the Frankish Kingdoms," *Early Medieval Europe* 27 (2019) 85–111; and the collected articles in Jill Harries and Ian Wood, eds., *The Theodosian Code: Studies in the Imperial Law of Late Antiquity* (Bristol 2010).

[25] "Si moriens, cum scribit aut dictat chartulam testamenti, praetermiserit forsitan, ut vocabulum poneret aut civilis, id est quod quinque testium." *Codex Theodosianus* 4.4.3, in *Theodosiani libri XVI cum constitutionibus Sirmondianis et leges novellae ad Theodosianum pertinentes*, ed. Theodor Mommsen and Paul M. Meyer (Berlin 1905) 170. "If, when the decedent writes or dictates the document of his testament, he should perhaps omit to place the designation, either of the civil law, that is, that it must be confirmed by the subscription of five witnesses." *The Theodosian Code and Novels, and the Sirmondian Constitutions*, trans. Clyde Pharr (Oxford 1952) 1:83–84.

[26] "Testes priusquam de causa interrogentur, sacramento debere constringi, ut iurent se nihil falsi esse dicturos." *Codex Theodosianus* 11.39.3, in *Theodosiani libri XVI*, ed. Mommsen and Meyer (n. 25 above) 657. "Before witnesses are questioned on a case, they must be bound by an oath and they shall swear that they will speak no falsehood." *The Theodosian Code*, trans. Pharr (n. 25 above) 340.

[27] Rachel Stone, *Morality and Masculinity in the Carolingian Empire* (Cambridge 2011) 168–170.

[28] "Et usum periurii omnino non permittant, qui hoc pessimum scelus christiano populo auferre necesse est." *Capitulare missorum* generale (802), c. 36, MGH Capit. 1:98.

process, casting doubt on individuals and their previously recognized statuses, not to mention placing their very persons under threat. The lack of surviving tenth-century Frankish or Ottonian capitularies, coupled with the lack of testaments from the same period, restricts analyses of the degree to which witnesses and their testimony remained central to the political process in these realms.[29] This problem is exacerbated by the imperial form of the diploma, which characteristically lacked the witness list.[30] Nevertheless, it would be surprising if concerns over testamentary veracity suddenly evaporated in the post-Carolingian world.

If one turns to the confirmation charters issued immediately after the death of magnates, a clear similarity emerges between the functions of the witness and the functions of the intercessor.[31] In private charters, queens continued to subscribe their names as witnesses. In royal diplomas, however, queens often appeared as intercessors, bringing a third party's *petitio* (petition) to the attention of the king either individually or alongside other lay or ecclesiastical magnates.[32] An intercessor could denote one who stands in another's place as surety in a multitude of religious, political, and legal contexts; Isidore of Seville, for instance listed *advocatus* and *intercessor* as two of the many names of Christ "as he intercedes for us with the Father," and "because he devotes care to remove our sins, and he exerts effort to wash away our crimes."[33] In Roman law, intercession (*intercedere*) and intervention (*intervenire*) overlapped and indeed became synonymous when an individual acted as surety in

[29] One intriguing exception to this rule would be the Council of Duisburg of 929, of which only the rubrics have been transmitted in a tenth-century manuscript (Munich, Bayerische Staatsbibliothek, MS 27246). Among other topics, the subject *De falsis testibus* appears as the twelfth listed topic. *Council of Duisburg* (929), MGH Conc. 6.1:92. Furthermore, as Steffen Patzold recently suggested, the large number of late Frankish and Ottonian copies of Carolingian capitularies produced throughout the late ninth and tenth centuries in both realms could point to the continued validity and importance of Carolingian legislation in these tenth-century kingdoms. Steffen Patzold, "Capitularies of the Ottonian Realm," *Early Medieval Europe* 27 (2019) 112–132.

[30] On witness lists, with relevant bibliography, see Roach, *Kingship and Consent* (n. 15 above) 27–28.

[31] For the wider role of intercessor, see Sean Gilsdorf, *The Favor of Friends: Intercession and Aristocratic Politics in Carolingian and Ottonian Europe* (Leiden 2014).

[32] Alfred Gawlik, "Zur Bedeutung von Intervention und Petition: Beobachtungen an Urkunden aus der Kanzlei König Heinrichs IV," in *Grundwissenschaften und Geschichte: Festschrift für Peter Acht*, ed. Waldemar Schlögl and Peter Herde (Kallmünz Opf 1976) 73–77. For recent bibliography and analysis on Carolingian and Ottonian intercession, see Gilsdorf, *Favor of Friends* (n. 31 above).

[33] Isidore of Seville, *Etymologiae*, VII.ii.30–32, in *Isidori Hispalensis episcopi Etymologiarum sive originum*, ed. W. M. Lindsay (Oxford 1911). Trans. Stephen A. Barney et al., *The Etymologies of Isidore of* Seville (Cambridge 2006) 156–157. For this important facet of intercession and its root in Pauline thought, see Karl Shoemaker, *Sanctuary and Crime in the Middle Ages, 400–1500* (New York 2011) 18.

legal proceedings.[34] The ability of women to act as intercessors in imperial Rome or late antiquity remains a matter of debate: the mid-first-century *senatus consultum Velleianum* (Velleian decree of the senate) forbade women from obligating themselves through intercessions, which Ulpian justified by arguing that women must be protected from themselves due to their *imbecillitas sexus*.[35] However, scholars digging into legal, literary, and archaeological material have found more than a few exceptions to these legal codes of women acting as surety in financial and legal transactions in the first half of the first millennium CE, while numerous royal and aristocratic women regularly acted as intercessors in charters and other early medieval documents.

Returning to the *Theodosian Code*, *CTh* 4.4.1 restated the testamentary law enacted under Constantine the Great, which established that the *interventum* of five or seven witnesses was required for codicils and testaments alike.[36] Traditionally translated as "presence," this *interventum* carries the legal weight conveyed more clearly with the English terms of "mediation" or "intervention." The *interventum*'s importance is clearly spelled out in the statute's subsequent clause: "for thus it will come about that the provisions of the testators for succession will be preserved without any trickery."[37] The act of intervention in conjunction with the designation of witnesses endeavored to ensure the legality of the testament and, crucially, the future security of its execution after the testator's death.

In the tenth century, the lack of extant wills in Carolingian Francia and the Ottonian Empire complicates analysis of these important legal functions. However, the *vitae* of two Ottonian magnates—Queen Mathilda of Saxony and her son, Archbishop Bruno of Cologne—both contain accounts of testamentary intentions announced on their deathbeds and, importantly, describe how these were carried out after their deaths.[38] Bruno's hagiographer, Ruotger,

[34] Hermann Heumann and Emil Seckel, *Handlexikon zu den Quellen des römischen Rechts* (Graz 1971) 284.

[35] For the *senatus consultum Velleianum*, Ulpian, and women in Roman and late antique law, see Verena Halbwachs, "Women as Legal Actors," in *The Oxford Handbook of Roman Law and Society*, ed. Paul J. du Plessis, Clifford Ando, and Kaius Tuori (Oxford 2016) 443–455.

[36] *Codex Theodosianus* 4.4.1 (n. 25 above) 168. For further discussion, see Carlos Sánchez-Moreno Ellart, "The Late Roman Law of Inheritance: The Testament of Five or Seven Witnesses," in *Inheritance, Law and Religions in the Ancient and Mediaeval Worlds*, ed. Béatrice Caseau and Sabine R. Hübner, Centre de Recherche d'Histoire et Civilisation de Byzance Monographies 45 (Paris 2014) 229–258.

[37] [S]ic enim fiet, ut testantium successiones sine aliqua captione serventur. *Codex Theodosianus* 4.4.1 (n. 25 above) 168. *The Theodosian Code*, trans. Pharr (n. 25 above) 83.

[38] Ruotger, *Vita Bruonis archiepiscopi Coloniensis*, c. 43, 47–49, MGH SS rer. Germ. N. S. 10:45–46, 50–55. A tenth-century fragment in *Urkundenform* of Brun's will survives in a compendium from Lorsch Abbey (Vatican, BAV, MS Pal. Lat. 57, fol. 8v). A digitized facsimile of this folio can be found here: https://bibliotheca-laureshamensis-digital.de/bav/bav_pal_lat_57/0020/image (last accessed July 30, 2020). For this manuscript, see Angelika Häse, *Mittelalterli-*

narrated Bruno's final days and the archbishop's awareness of his impending death. As his health was deteriorating, Bruno called bishops Theoderic of Metz and Wigfrid of Verdun—and presumably other members of his extensive episcopal network—to assist his preparations for the declaration and copying of his will, which he later dictated in the presence of witnesses.[39] As a large crowd gathered for the burial of their beloved Bruno, Theoderic and Wigfrid had Bruno's *testamentum* and other final directives read aloud before the multitude, thereby fulfilling their obligations as *testes*.[40]

The public disclosure of Bruno's postmortem arrangements—covering both the creation of his will and its pronouncement after his death—resonates with the earliest *vita* of Mathilda, the first Ottonian queen. This *vita* does not detail whether Mathilda created a *testamentum*; its anonymous author did not transcribe any will. Yet, the progression of Mathilda's death follows a similar pattern to Ruotger's narration of Brun's final days: Mathilda recognizes the end of her life, she gathers together people close to her bedside and accounts for her possessions, and she then distributes them to the clergy, the poor, and monastic foundations.

Mathilda's hagiographers went into further detail. As she reached Quedlinburg, shortly to become her final resting place, "she asked that every bit of wealth remaining to her should be distributed without delay to the bishops, the priests, and the poor, and divided among the monasteries."[41] Flocks of people attended her deathbed, including her grandson, Archbishop William of Mainz. After consoling him in his distressed state, Mathilda commended to the archbishop "the abandoned congregation at Nordhausen, not simply that you

che Bücherverzeichnisse aus Kloster Lorsch: Einleitung, Edition und Kommentar, Beiträge zum Buch- und Bibliothekswesen 42 (Wiesbaden 2002) 76n145. For his will, see Heinrich Schrörs, "Das Testament des Erzbischofs Bruno I. von Köln (953–965)," *Annalen des Historischen Vereins für den Niederrhein* 91 (1911) 109–128; *Vita Mathildis reginae antiquior* (hereafter *VMA*) and *Vita Mathildis reginae posterior* (hereafter *VMP*), MGH SS rer. Germ. 66:9–41 and 42–74. See Althoff, *Adels- und Königsfamilien* (n. 9 above) 169ff.

[39] Ruotger, *Vita Brunonis*, c. 43 (n. 38 above) 46. "Ipse autem vocatis episcopis, qui simul cum eo venerant, Theoderico et Wicfrido, postulavit, ut testamenti sui faciendi copiam ei facerent et adiutorium exhiberent….Tunc vocato notario coram memoratis testibus testamentum suum ipse dictavit; res omnes, quas habuit, a sese, dum adhuc in bona spe viveret, abalienavit, dispersit, dedit pauperibus, quodque ordinandis exterioribus ecclesiarum Dei edificiis congessit, in brevi secundum collatam sibi sapientiam facta et corroborata cautione sua congrue et professione sua digne divisit."

[40] Ibid. c. 47, p. 50: "Processerunt in medium episcopi Theodericus et Wicfridus, testes ultime sanctionis eius et legationis, quam filiis suis ibidem Deo militantibus misit. Lectum est testamentum eius in presbiterio venerabili ante altare sanctissimi Petri; recensita sunt et ea, que pio quidem et sollicito in Dei rebus animo rogavit et iussit, sed scribenda non censuit."

[41] *VMA*, c. 12 (n. 38 above) 135. "[O]mnem continuo diviciarum habundanciam, que restabat, episcopis, presbyteris atque indigentibus erogari et inter monasteria dividi praecepit una tantum sibi relicta." Trans. in Sean Gilsdorf, *Queenship and Sanctity: The Lives of Mathilda and the Epitaph of Adelheid* (Washington DC 2004) 84–85.

might oversee it, but that you might admonish the emperor on its behalf, since I have not yet completed my efforts on its behalf."[42] The anonymous author then states that Mathilda "gave many other orders which were to be brought to her son, Otto."[43]

William was not able to fulfill his obligations as an acting advocate, for he died before Mathilda on his return to Mainz. Instead, after Mathilda died, *legati* (legates) carried letters into Italy, where her son and his court resided. There, these legates "opened their letters and announced that [Otto's] mother had died."[44] After expressing his grief, Otto confirmed that he would do everything that his mother had asked.[45] According to the *Vita Mathildis reginae antiquior* (*VMA*), Otto "fulfilled his promise immediately" by handing over Mathilda's *dos* in the "western regions," and securing a papal privilege, "just as his mother had requested."[46] In both *vitae*, great emphasis was laid upon not only the testamentary intent or statement of both Bruno and Mathilda but also on the process of how their last wishes were carried out by witnesses, intercessors, and legates after they had died.

So long as all parties remained alive, testators could directly exhort witnesses and intercessors to support, aid, or advise them. When the testator or *fidelis* died, however, witnesses and intercessors enjoyed greater liberty to choose whether (and how) to make good on their pledge to support the intentions of the dead. In many cases, such support required not just respecting the wishes of the deceased but also speaking and acting in their place: key functions of agents of memory. Conspicuous evidence of how this legal apparatus informed the immediate institution of *memoria* can be found in a remarkable series of intercessions performed by Queen Gerberga and Empress Adelheid.

[42] *VMA*, c. 12 (n. 38 above) 136. "[C]ommendo et destitutam Northusensem catervam, non solum a te procurandi, verum etiam inperatorem pro eis admonendi, quia neque adhuc opere perfecto maximam inde prae ceteris curam gero cenobiis." Trans. Gilsdorf, *Queenship and Sanctity* (n. 41 above) 85.

[43] *VMA*, c. 13 (n. 38 above) 137. "Preter hec multa filio Ottoni mandata dedit portanda." Trans. Gilsdorf, *Queenship and Sanctity* (n. 41 above) 85.

[44] *VMA*, c. 15 (n. 38 above) 140. "Huic palacium insidenti legati, ut diximus, introgressi, quo rex alto sedebat solio, et coram data copia fandi epistolas aperiendo matrem ipsius obisse nunciarunt." Trans. Gilsdorf, *Queenship and Sanctity* (n. 41 above) 87.

[45] *VMA*, c. 15 (n. 38 above) 140.

[46] Ibid. "Deinde omnia se inpleturum, quae genitrix pecierat, affirmabat." Trans. Gilsdorf, *Queenship and Sanctity* (n. 41 above) 87. While no diplomatic or epistolary evidence confirms these actions, Otto I did donate the *villa* of Bliedungen, which lay nearby to Nordhausen, in April of 970. Since her chosen advocate, William of Mainz, had predeceased her, it is not surprising not to find his name among the intercessors. However, Otto I was following the advice of Empress Adelheid and their son, Otto II. "[A]d preces dilectae coniugis nostrae Adelheidis filiique nostri, carissimi scilicet imperatoris augusti Ottonis." *Diplomata Ottonis I*, no. 393, MGH DD O I.:535.

Queen Gerberga of Late Carolingian Francia and Confirmation Charters after Death

Born into the Ottonian royal family, Gerberga married her second husband, King Louis IV of Francia, in 939 and ruled as queen throughout her husband's reign and as regent after his death in 954. Through her family, Gerberga had extensive contacts with the Ottonian court, particularly as the sister of Otto I of the Ottonian Empire as well as of Archbishop Bruno of Cologne, who ruled as archbishop and duke of Lotharingia.[47] Her sister, Duchess Hedwig, was married to the important Frankish duke Hugh the Great and ruled as regent for her son, the future king Hugh Capet, for at least a few years after the elder Hugh's death in 956. With these extensive familial connections to courts stretching across many tenth-century kingdoms, Gerberga has been rightly described as "unquestionably one of the pivotal figures in the dynastic politics of her age."[48]

As the Frankish queen, Gerberga acted as an agent of memory, working throughout her career to foster familial *memoria* not only for the remembrance of the dead but also for her own political ends. Scholars have recently called attention to Gerberga's ability to deploy both her Lotharingian and Frankish networks to institute the *memoria* of both her husbands—even decades after their deaths—as an advertisement for her own position as a leading magnate. Indeed, Simon MacLean has persuasively argued that she strategically deployed these connections throughout her career to the point that even to the very end of her life, "Gerberga's multiple political identities as ducal widow and mother, sister, daughter, and wife of kings were all so urgently contemporary and so thoroughly intertwined as to provide her with a full armoury of rhetorical resources which could be combined in various configurations as the situation demanded."[49]

Gerberga's concerns for the institution of short-term commemoration come to the fore in the diplomatic record, particularly in a series of confirmation charters issued in the wake of the sudden death of Gerberga's second husband, King Louis IV. Mortally injured during a hunting accident, the young king was

[47] For the wider career of Queen Gerberga, particularly in the context of her familial network, see Régine Le Jan, "La reine Gerberge, entre Carolingiens et Ottoniens" and "D'une cour à l'autre: Les voyages des reines de Francie au Xe siècle," in *Femmes, pouvoir et société dans le haute Moyen Âge*, ed. Le Jan (Paris 2001) 30–38 and 39–52, respectively; Simon MacLean, "Making a Difference in Tenth-Century Politics: King Athelstan's Sisters and Frankish Queenship," in *Frankland: The Franks and the World of the Early Middle Ages; Essays in Honour of Dame Jinty Nelson*, eds. Paul Fouracre and David Ganz (Manchester 2008) 167–190. MacLean, "Reform, Queenship and the End of the World in Tenth-Century France: Adso's 'Letter on the Origin and Time of the Antichrist' Reconsidered," *Revue belge de Philologie et d'Histoire* 86 (2008) 645–675; and MacLean, *Ottonian Queenship* (Oxford 2017) 74–94.

[48] MacLean, "Reform" (n. 47 above) 647.

[49] MacLean, *Ottonian Queenship* (n. 47 above) 93.

taken to nearby Reims, where he suffered for a number of months before dying on the tenth of September.[50] The Frankish political arena was by no means stable. While the death of a king could prove problematic for any early medieval dynasty, Queen Gerberga and her underage son, Lothar, were in a particularly perilous position. Gerberga acted fast: the widowed queen sent for her erstwhile rival, Hugh the Great, "asking for his counsel and aid."[51] The duke met with Gerberga and, after "receiving her honorably and consoling her," the magnate made "promises to her concerning the succession of her son to the kingdom."[52] Indeed, the thirteen-year-old king Lothar was soon thereafter consecrated king of Francia at the monastery of Saint-Remi.[53] He swiftly began issuing charters, largely confirming benefices his father had previously made, or had promised to make in his final days.

Two charters issued on 1 January 955 at Laon recorded the restoration of the full control of the estate of Corbeny made by Louis IV at Reims on his deathbed a few months prior.[54] After a recollection of the early tenth-century queen Frederune's donation of this estate to St. Remigius—"the glorious apostle and duke of the Frankish people"—and his monks at Saint-Remi and its later history, one charter records how Louis IV felt death approaching ("conspiciens sibi imminere diem mortis ultimum").[55] Anxiously wishing to obtain *remedium* (salvation) for his soul through the *suffragium* (prayers) of St. Remigius and other saints, he called to his bedside Abbot Hincmar and the congregation of monks and declared his intention to return the *villa* of Corbeny "in the presence of our mother Queen Gerberga and with many of her *fideles* standing by."[56] The second charter issued on the same day likewise recalls the early tenth-century history of Corbeny. However, it also includes a reference to Louis IV's burial in Saint-Remi, Louis IV's coronation as king at this sacred Carolingian site, and, intriguingly, notes how Queen Gerberga "venerates and

[50] Flodoard of Reims, *Annales,* a. 954, in *Les Annales de Flodoard*, ed. Philippe Lauer (Paris 1905) 138.

[51] "[E]ius consilium et auxilium petens." Ibid. Trans. Steven Fanning and Bernard S. Bachrach, *The* Annals *of Flodoard of Reims*, *919–966*, Readings in Medieval Civilizations and Cultures 9 (Ontario 2004) 59.

[52] "[V]enientem honorifice suscipit atque consolatur." Trans. ibid.

[53] "[E]t de provectione filii eius in regnum pollicetur." Trans. ibid.

[54] *Recueil des Actes de Lothaire et de Louis V*, *Rois de France (954–987*), nos. 3 and 4, ed. Louis Halphen and Ferdinand Lot (Paris 1908) 6–7 and 8–10. Originals: lost. Copies: Reims, Archives municipale, Cartulary B of St Remi (H 1411), p.116 and p.114 (s.xiii).

[55] "[S]ancti Remigii, Francorum gentis apostoli et ducis gloriosi." *Recueil des Actes*, no. 3 (n. 54 above) 6.

[56] "[C]onspiciens sibi imminere diem mortis ultimum ac sollicite anime sue desiderans obtinere remedium per sancti Remigii aliorumque sanctorum optabile suffragium, jubens venerabilem sacri loci abbatem, nomine Hincmarum, cum quibusdam sue congregationis convocari fratribus, eandem villam plena devotione ad locum reddidit, genitrice nostra domna Gerberga regina presente necnon et pluribus fidelium suorum astantibus." Ibid. 7.

loves this place [i.e. Saint-Remi] before all others."[57] Furthermore, in the recollection of Louis IV's bedside restoration of Corbeny, this second charter notes Queen Gerberga's *volente et consentiente* to Louis IV's testamentary wishes and, arguably, to Lothar's confirmation charters issued after Louis IV's death.[58]

These charters encapsulate the complex memorial dynamics in the wake of the sudden death of a king. While the lengthy dispositive sections reach back into early tenth-century dynastic history, the charters also recall more recent events. They foreground Louis IV's deathbed wishes, and emphasize Queen Gerberga's presence as a witness to the dying king's final requests, her desire to confirm this benefice, and her closeness to this key Carolingian political site at the start of her son's reign. These same dynamics played out in nonfamilial contexts, when Queen Gerberga took steps to implement *memoria* for other recently deceased *fideles*, suggesting that more was at play than Gerberga's roles as widow, sister, and mother in each of these confirmation charters. Indeed, as the subsequent analysis will show, Gerberga at the same time situated herself as a witness to the political past and as a magnate central to the establishment of the new Frankish political order.

During the reign of her son Lothar (d. 986), Queen Gerberga interceded on at least two occasions for her dead *fideles*, succeeding in both cases in securing the Frankish assembly's support and the production of royal diplomas. The first case occurred soon after the death of Count Hugh IV of Bassigny on 25 August 961.[59] According to Flodoard of Reims, Hugh died as an *adolescens* and subsequently was buried at Saint-Remi, Reims.[60] On October 5 of that same year, King Lothar issued a confirmation charter for Saint-Remi in Condes.[61] Surviving in its original form, the *litterae elongatae* stretching along the first line of this charter highlighted Hugh's insistence on securing the transmission of his properties to his heirs under the pressure of his final illness.[62]

[57] "[G]enitrix nostra, domna Gerberga regina, locum prae ceteris veneratur et diligit." Ibid. no. 4, 9.

[58] "[E]t ante obitum suum beati Remigii loco redditum, nosque, volente et consentiente genitrice nostra domna regina Gerberga, id nostra auctoritate decernimus esse confirmandum." Ibid. 10.

[59] On Hugh IV, see Michel Bur, *La formation du comté de Champagne (v. 950–v.1150)* (Nancy 1977) 39ff.

[60] Flodoard, *Annales*, a. 961 (n. 50 above) 250.

[61] *Recueil des Actes*, no. 14 (n. 54 above) 29–31. Original: Chaumont, Archives départementales Haute-Marne, 18 H 1. Act n°160 in *Chartes originales antérieures à 1121 conservées en France*, ed. C. Giraud, J.-B. Renault and B.-M. Tock (Nancy 2010) http://www.cn-telma.fr/originaux/charte160/ (last accessed July 30, 2020). Copies: Reims, Archives municipale, Cartulary B of St Remi (H 1411), p.117 (f. LX) (s.xiii).

[62] "NOTUM SIT OMNIBUS FIDELIBUS NOSTRIS TAM PRESENTIBUS QUAMQUE FUTURIS QUOD HUGO, COMES NOSTERQUE CONSANGUINEUS, TACTUS INFIRMITATE QUA HOMINEM EXIVIT." *Recueil des Actes*, no. 14 (n. 54 above) 30. "Let it be known

The charter went on to recount Hugh's donation of Condes to the monks of Saint-Remi, where he had recently been entombed.[63]

In an effort to forestall fraudulent claims to Condes, Lothar's charter of 961 confirmed Hugh's bequest with the consensus of the gathered "bishops, counts, and the rest" in his *palatium*.[64] Leading this unified assembly was Queen Gerberga, described in the charter in striking terms as Lothar's glorious mother, queen, and *ecclesiarum amatrix*: "Whence Queen Gerberga, our most glorious mother and lover of churches, coming into our presence together with the venerable bishops Rorico and Gibuin as well as Count Ragenald, so that, just as the aforementioned Hugh had designated, we might furnish the certain court from the aforesaid properties to saint Remigius [Saint-Remi]."[65] According to the charter's *narratio*, Gerberga herself—accompanied by Bishop Rorico of Laon, Bishop Gibuin of Châlons-sur-Marne, and Count Ragenald of Roucy—brought this matter to Lothar's attention so that Saint-Remi would preserve the memory of Hugh IV. Lothar assented to their petitions and confirmed Saint-Remi's control of Condes, *prout ipse Hugo denominaverat* (just as Hugo himself had designated).[66]

No private charter issued by Count Hugh IV has survived, and certainly no *testamentum*. Consequently, one cannot say with certainty that the wishes or intentions attributed to him in the diploma discussed above were in fact his own. What comes across quite clearly in the charter, however, is that Lothar as issuer and Queen Gerberga, along with the other intercessors, wanted it to be understood that this charter was carrying out Hugh's wishes. The text repeats three times the claim that this charter confirmed the donation of Condes to Saint-Remi, "just as Hugh had designated." Furthermore, this confirmation

to all of our *fideles*, both present and in the future, that Hugh, our *comes* and *consanguineus*, who had fallen ill which caused the man to die."

[63] It is unclear whether Hugh's original donation was made by charter, a *post obitum* bequest, or as part of a larger testament, since the original document is no longer extant.

[64] "Quapropter per consensum nostrorum tam episcoporum quamque comitum caeterorumque nostro in palatio degentium placuit nobis ex supradictis rebus jam dicti Hugonis comitis unicuique aecclesiae, secundum quod ipse disposuerat, per nostrum res dare praeceptum." *Recueil des Actes*, no. 14 (n. 54 above) 30–31. "On which account, through the consensus of both our bishops as well as our counts and the rest of those living in our *palatium*, it pleases us to furnish this *preceptum* from the aforesaid property of Count Hugh to each church, according to what he had set out."

[65] "Unde gloriosissima mater nostra Gerberga regina ecclesiarumque amatrix, adiens nostram presentiam una cum venerabilibus episcopis Roricone et Gibuino necnon Ragenaldo comite, ut ex supradictis rebus quamdam cortem, sicuti praefatus Hugo denominaverat, sancto daremus Remigio." Ibid. 31. This remarkably unusual and descriptive moniker attached to Gerberga's *nomen* as a "lover of churches" has been described by MacLean as a signal of "queenship and monastic leadership subtly merged in Gerberga's royal person." MacLean, *Ottonian Queenship* (n. 47 above) 65.

[66] *Recueil des Actes*, no. 14 (n. 54 above) 31.

charter stressed that its purpose was not only to confirm Hugh's wishes but also to ward off the "deceitfulness of bad men" who might seek to take Saint-Remi's lawful property.[67]

It is in any case reasonable to suppose that Hugh IV expected Queen Gerberga to carry out his wishes and to secure the transmission of his property. In order to choose her as an intercessor, Hugh IV had to be confident that Queen Gerberga would maintain her prominent position at court, which in turn would equip her to lead a collected assembly and petition for confirmation charters. Should need arise, this same position would allow her to dispute any fraudulent claims. Shifting to Gerberga's perspective, her intercession not only indicated her desire to maintain her bond with Hugh IV after his death but also gave her another chance to bind herself to Saint-Remi as *ecclesiarum amatrix* (lover of churches) and with the wider court as their *gloriosissima regina* (most glorious queen). Speaking for the recently deceased allowed Gerberga to cement her ties with a royal and spiritual *lieu de memoire* of late Carolingian Francia, where she herself had once been crowned queen and where many Carolingian kings and queens were buried, including her husband, the late King Louis IV. Just as importantly, this act of intercession projected her political acumen and her ability to secure the rightful allocation of property for all of her *fideles*, alive or dead.

Five years later, the death of another important magnate, Count Arnulf I of Flanders (d. 965), resulted in at least one authentic confirmation charter. Like the counts of Vermandois and Paris, the comital family of Flanders exerted a great deal of influence in tenth-century political and religious affairs.[68] Depending on circumstance, the counts of Flanders acted either as robust political allies for the reigning Frankish king or else as staunch opponents. Arnulf I manipulated the unstable loyalties to the Frankish royalty to his advantage, serving at times as an ally to, and at times in a coalition against, the Frankish throne in collaboration with Duke Hugh the Great, King Otto I of Saxony, and others.

[67] "[M]alorum [homin]um fraudulentiis." Ibid, 30.

[68] For Arnulf I's political career and monastic patronage, see Anton C. F. Koch, "Gérard de Brogne et la maladie du comte Arnould Ier de Flandre," *Revue Bénédictine* 70 (1960) 119–126; Jean Dunbabin, "The Reign of Arnulf II, Count of Flanders, and its Aftermath," *Francia* 16 (1989) 53–65; Jean-François Nieus, "Montreuil et l'expansion du comté de Flandre au Xe siècle," in *Quentovic: Environnement, archéologie, histoire: Actes du colloque international de Montreuil-sur-Mer, Étaples et Le Touquet et de la journée d'études de Lille sur les origines de Montreuil-sur-Mer (11–13 mai 2006 et 1er décembre 2006)*, ed. Stéphane Lebecq, Bruno Béthouart, and Laurent Verslype (Villeneuve d'Ascq 2010) 493–505; and Steven Vanderputten and Brigitte Meijns, "Gérard de Brogne en Flandre: État de la question sur les réformes monastiques du Xe siècle," *Revue du Nord* 385 (2010) 271–295.

Perhaps as part of his wider efforts for political control, Arnulf I spearheaded a robust program of monastic donations, giving particular aid to the establishment of the Benedictine Rule. Working in conjunction with Gérard of Brogne (d. 959) and others, Arnulf I oversaw the reform of the major monasteries of Flanders, including St. Pierre au Mont Blandin, St. Bertin, St. Bavo, St. Riquier, St. Amand, and St. Vaast. Examining these foundations' single-sheet charters and cartularies with well-warranted skepticism, scholars have elucidated how Arnulf I utilized the reforming rhetoric widespread in tenth-century Flanders to consolidate his own economic and political control over several crucial ecclesiastical centers, while simultaneously redefining his relationships to the Frankish kings.[69]

In the 960s, a series of mishaps threatened Arnulf's life's work. Multiple military defeats and an outbreak of epidemics preceded a more lasting blow: the death of the count's son and heir, Baldwin III, in 962.[70] In response to this family tragedy, Arnulf I moved quickly to secure the transmission of his *comitatus* after his death to his only remaining heir, Baldwin's infant son Arnulf II.[71] Facing opposition within his own family, Arnulf I turned to King Lothar of Francia to broker peace between himself and his nephew (yet another Arnulf). According to Flodoard, Arnulf I chose this moment to transfer the control of his property to King Lothar so that Arnulf "might from this time forward be honored while he was alive."[72] Arnulf's recognition of Lothar's royal authority effectively sought to secure his grandson's succession to power in Flanders.[73]

After Arnulf I's death in 965, Queen Gerberga directly contributed to ensuring the promulgation of Arnulf's memory, the transmission of his property, and the succession of Arnulf II. Three documented cases demonstrate this. Immediately after Arnulf's death, Queen Gerberga and her younger son, the future Duke Charles of Upper Lotharingia, accompanied King Lothar as the royal court entered Flanders and received the submission of the Flemish magnates.[74] After Lothar returned to Laon, Gerberga remained in Flanders for at least two months, during which time one Baldwin Balso took over the tutelage of Arnulf II and assumed control of Flanders. In May of 965, Gerberga attend-

[69] Vanderputten and Meijns, "Gérard de Brogne en Flandre" (n. 68 above) 277. See below for a discussion of the authenticity of these charters.

[70] Steven Vanderputten, *Monastic Reform as Process: Realities and Representations in Medieval Flanders, 900–1100* (Ithaca NY 2013) 51ff.

[71] Flodoard, *Annales*, a. 962 (n. 50 above) 152–153.

[72] "[I]ta tamen ut ipse in vita sua inde honoratus existeret." Ibid. 153. Trans. Fanning and Bachrach, *The* Annals (n. 51 above) 66.

[73] Dunbabin, "The Reign of Arnulf II" (n. 68 above) 53–54.

[74] Flodoard, *Annales*, a. 965 (n. 50 above) 156.

ed the famous Reichstag in Cologne.[75] Eight months later, Otto I issued a charter confirming St. Pierre au Mont Blandin's rights of immunity, as well as their property within the bounds of the Ottonian realm.[76] Explicitly noted in this royal diploma was the *villa* at Crombrugghe that Queen Gerberga had previously granted to the monks for the benefit of Count Arnulf's, her *fidelis*'s, soul.[77] Although only a small part of a larger royal diploma, this brief mention of Gerberga's grant—indeed, the only instance of Gerberga appearing in any of Otto I's diplomas—not only confirmed her donation and sustained the *memoria* of Arnulf but also publicly conveyed her close political connection (*fidelis comitis sui*) to the recently deceased count.[78]

On 5 May 966, Gerberga interceded directly for St. Bavo's Abbey in Ghent, and possibly for St. Pierre au Mont Blandin.[79] Two extant single-sheet charters purport to confirm Arnulf I's donations and his wider restoration efforts, one for each of these monastic foundations. Since the early twentieth century, scholars have debated the authenticity of these two documents. While scholarly consensus has generally authenticated Lothar's confirmation charter for St. Bavo's Abbey (135), the corresponding charter for St. Pierre au Mont Blandin (63) has fallen under suspicion. Verhulst considered this charter "très probablement un faux fabriqué vraisemblablement avant 981."[80] Even the St. Bavo charter contains alterations, with an interpolation in the middle of the charter sometime after 981.[81]

The charters for St. Bavo and St. Pierre au Mont Blandin follow a similar structure and employ similar language.[82] After recalling Arnulf's approach to the Frankish king to confirm his restoration of both monastic foundations, both charters proceeded forward in time. After Arnulf I's death, Baldwin Balso and Arnulf II, along with Abbot Womar, approached Lothar, asking him to fortify the monastery with his royal authority.[83] They approached the king, the surviv-

[75] Ibid. 156.

[76] *Diplomata Ottonis I*, no. 317 (n. 46 above) 431.

[77] "[Q]uam villam carissima nostra soror Gerbirgis regina monachis ob remedium animae fidelis comitis sui reddidit Arnulfi." Ibid. "[W]hich *villa* my dearest sister, Queen Gerberga, had handed over to the monks for the salvation of the soul of her *fidelis*, Count Arnulf."

[78] MacLean, *Ottonian Queenship* (n. 47 above) 90ff.

[79] *Diplomata Belgica ante Annum Millesimum Centesimum Scripta* 1, nos. 63 and 135, ed. Maurits Gysseling and Anton C. F. Koch (Brussels 1950) 160–163 and 228–230. See also the accompanying black-and-white plates of these diplomas in the same volume.

[80] Adriaan-Eduard Verhulst, "Note sur deux chartes de Lothaire, roi de France, pour l'abbaye de Saint-Bavon à Gand," *Bulletin de la Commission royale d'Histoire* 155 (1989) 23.

[81] Ibid.

[82] Lothar's confirmation charter for St. Pierre, in turn, mirrors the structure and language for a charter issued in 964, in which Lothar confirmed Arnulf's restoration of St. Pierre and his donations at the request of the count two years before his death. Ibid.

[83] "Nunc uero illustri comite Arnulfo ab hac luce sublato, et ad superos ut credimus transuecto, Balduinus noster eiusque consanguineus nutriciusque Arnulfi pueri filii Balduini filii

ing texts stress, through the intervention of Queen Gerberga and her new daughter-in-law Queen Emma.[84] So far, both charters provide comparable information, but Lothar's purported charter for St. Pierre au Mont Blandin contains additional detail. After listing Arnulf I's donations, this charter goes on to note that after Arnulf died, he was buried at St. Pierre as he had wished, alongside his mother, father, and wife.[85] Furthermore, this same charter states that Baldwin Balso donated territory from Arnulf II's *res hereditatis* (inherited property) as well as from his own lands for the repose of Arnulf I's soul in the presence of Lothar, Gerberga, and Duke Charles of Upper Lotharingia.[86] Once again in these charters, Gerberga publicly gave her support to the completion of Arnulf's undertakings after his demise. While the additional, albeit dubious, details in the Saint Pierre au Mont Blandin charter provide evidence for Gerberga's continued presence in the forging of *memoria* by Baldwin and Arnulf II, both charters underscore how central Gerberga and her wider court could be in the process of public memorialization of the recently deceased and the establishment of a new generation of political leaders.

Donations, prayers, diplomas, and histories preserved an idealized depiction, a *memoria*, of departed persons; they also aimed to ensure their subjects' admission into heaven. Such dynamics were certainly at play in the confirmation charters issued after the deaths of Hugh IV of Bassigny and Arnulf I of

sepedicti memorabilis Arnulfi, cum reuerendo abbate UUomaro sollertissimo sanctae religionis fautore ac insigni propagatore et praelibati Gandensis monasterii rectore, nostram adiit serenitatem, petens nostrae auctoritatis munimen erga idem renouare monasterium." *Diplomata Belgica*, no. 135 (n. 79 above) 229. "But now with the illustrious Count Arnulf taken from this light, and, so we believe, transported to on high, our Baldwin, and his *consanguineus* and tutor to the boy, Arnulf, son of the aforementioned Arnulf, with the revered Abbot Womar, the most accomplished supporter of the holy religion, worthy propagator, and *rector* of the aforesaid monastery, came to our *serenitas*, petitioning to renew the monastery with the fortification of our authority."

[84] "Nos uero eorum nihilominus annuentes saluberrimis petitionibus, interuentu etiam dilectae matris nostrae Gerbergae, sed et amabilis coniugis nostrae Hemmae, illorum Deo dignam adimpleuimus postulationem." *Diplomata Belgica*, no. 135 (n. 79 above) 229. "Likewise assenting to the salutary petitions of them, as well as the intervention of our beloved mother Gerberga, as well as our lovely wife Emma, we carry out this worthy request of theirs for God."

[85] "[E]t in iam dicto coenobio in quo scilicet iam dudum tumulatus requiescit pater materque ipsius uenerabiliter cum coniuge sua sepulto." *Diplomata Belgica*, no. 63 (n. 79 above) 162. "[A]nd there in that designated monastery in which he was buried, his father and mother and his wife venerably rest in their grave."

[86] "Balduinus noster eiusque consanguineus, nutriciusque Arnulfi pueri filii Balduini filii Arnulfi maioris, me presente ac matre fratreque meo prompto uoluntatis affectu, quasdam res hereditatis ipsius domini sui predicti Arnulfi ob remedium animarum domini et domine sue predicto coenobio contulit." *Diplomata Belgica*, no. 63 (n. 79 above) 162. "Our Baldwin and his *consanguineus*, and tutor to the child Arnulf, son of the elder Arnulf, who was the son of Baldwin, inspired by an affection of the will, conferred to the aforesaid monastery certain inherited properties of his lord, the aforesaid Arnulf, for the salvation of the souls of his lord and *domina* in the presence of myself, my mother, and my brother."

Flanders. Yet, Queen Gerberga also intervened to secure the transmission of land, and to fulfill her practical political obligations to these recently deceased allies. In doing so, she forged forward-looking ties with assembled nobles and clergy as they worked to produce these charters, as well as with the monastic institutions designated as recipients of these gifts. In her advocacy and intercession for Hugh and Arnulf, Gerberga demonstrated her adroitness as an advocate for the recently deceased, her ability to act as an intercessor in moments of transition, and her commitment, as an agent of memory, to the present and future stability of her alliances and her kingdom.

EMPRESS ADELHEID, COUNT MANEGOLD, AND A *IURAMENTARIA TESTATIO*

Like their Carolingian counterparts, Ottonian rulers concentrated considerable resources on the remembrance of the recently deceased. This is particularly evident in the endowment, construction, and continued financial support of monastic foundations undertaken by the Ottonian royal and imperial family in the tenth century.[87] Such plans and gifts were often explicitly offered for the souls (*pro anima*) and for the memory (*pro memoria*) of their family members.[88] While few wills have survived, Ottonian diplomas issued throughout the tenth century instituted prayers for the dead and, importantly, confirmed prior grants made by third parties.

The first Ottonian empress Adelheid stands as an exemplar of the Ottonian promotion of familial *memoria*. Born to the noble Welf family in Upper Burgundy, Adelheid became queen of Italy during her marriage to King Lothar II, which ended with his sudden death in 950.[89] During the following months, Adelheid experienced a series of dramatic reversals, involving her capture, her torture, her escape, and her subsequent second marriage to King Otto I of Sax-

[87] Oexle, "*Memoria* und Memorialüberlieferung" (n. 9 above) 70–95; Althoff, *Adels- und Königsfamilien* (n. 9 above); and Helene Scheck, "Queen Mathilda of Saxony and the Founding of Quedlinburg: Women, Memory, and Power," *Historical Reflections* 35 (2009) 21–36. I wish to thank Sarah Greer for her insightful comments on the wider practices of Ottonian *memoria*, and for sharing her work in progress.

[88] For recent discussions of *pro anima* donations and *memoria*, see Eliana Magnani S.-Christen, "Transforming Things and Persons: The Gift *pro anima* in the Eleventh and Twelfth Centuries," in *Negotiating the Gift: Pre-Modern Figurations of Exchange*, ed. Gadi Algazi, Valentin Groebner, and Bernard Jussen (Göttingen 2003) 269–284; Bijsterveld, *Do ut des* (n. 1 above); and Arnold Angenendt, "*Donationes pro anima*: Gift and Countergift in the Early Medieval Liturgy," in *The Long Morning of Medieval Europe: New Directions in Early Medieval Studies*, ed. Jennifer R. Davies and Michael McCormick (Burlington 2008) 131–154.

[89] For the political career of Empress Adelheid, see Amalie Fößel, *Die Königin im mittelalterlichen Reich: Herrschaftsausübung, Herrschaftsrechte, Handlungsspielräume* (Stuttgart 2000); MacLean, *Ottonian Queenship* (n. 47 above); Penelope Nash, *Empress Adelheid and Countess Mathilda: Medieval Female Rulership and the Foundations of European Society* (New York 2017); and Phyllis Jestice, *Imperial Ladies of the Ottonian Dynasty: Women and Rule in Tenth-Century Germany* (New York 2018).

ony.[90] A decade later, Adelheid and Otto I would venture once more into the Italian kingdoms and be crowned empress and emperor by Pope John XII in 962. Throughout the reigns of Otto I, Otto II, and Otto III, Adelheid intervened, interceded, and petitioned in a significant number of diplomas, while she also established and supported several monastic foundations, issued private charters in her own name, and ruled as regent for Otto III.

In her role as advisor and regent for both Otto II and Otto III, Empress Adelheid worked quickly to commemorate the recently deceased emperors and to solidify each new king's or emperor's rule. One remarkable example occured soon after the death of Empress Theophanu (d. 991), who had ruled and guarded the Ottonian empire for her young son since 983. In the midst of a series of diplomas issued soon after Theophanu's passing, one charter sought to restore property, which had been unjustly seized, to the monks of St. Maximin of Trier on their patron's feast day on 29 May 992.[91] The striking *narratio* details the abbots' lengthy struggles to gain control over their territories in the regions of Nahegau, Worms, and Speyer, beginning with Abbot Thietfrid in the 970s. According to this diploma, Abbot Thietfrid had approached Otto I in Ravenna, asking for these lands to be restored to St. Maximin Abbey. Otto I

[90] For this episode, see Odilo of Cluny, *Epitaphium domine Adelheide auguste,* c. 3, in *Die Lebensbeschreibung der Kaiserin Adelheid von Abt Odilo von Cluny*, ed. Herbert Paulhart (Graz 1962) 31ff. Trans. Gilsdorf, *Queenship and Sanctity* (n. 41 above) 131ff. Hrotsvitha, *Gesta Ottonis*, in *Hrotsvit: Opera Omnia*, ed. Walter Berschin (Munich 2001) 295. For more on the *Epitaphium*, see Patrick Corbet, *Les saints ottoniens: Sainteté dynastique, sainteté royale, et sainteté féminine autour de l'an mil* (Sigmaringen 1986) 81–107 et passim; Benoît Jordan, "Entre sainteté et politique: L'imperatrice Adélaïde racontée par l'abbé Odilon de Cluny," *L'Outre Forêt: Revue d'histoire de l'Alsace du Nord 107* (1999) 19–26; Johannes Staub, "Ottos Adelheid-Epitaph und seine Verse auf Otto der Großen," in *Latin Culture in the Eleventh Century: Proceedings of the Third International Conference on Medieval Latin Studies Cambridge, September 9–12 1998*, 2 vols., ed. Michael W. Herren, Christopher J. McDonough, and Ross G. Arthur (Turnhout 2002) 2:400–409; Paolo Golinelli, "La regina Adelaide e l'Italia: Da storia cluniacense a mito romantico," in *Scritti in onore di Girolamo Arnaldi offerti dalla Scuola Nazionale di Studi Medioevali*, ed. Andrea Degrandi et al. (Rome 2001) 217–232; and Monique Goullet, "De Hrotsvita de Gandersheim à Odilon de Cluny: Images d'Adélaïde autour de l'an Mil," in *Adélaïde de Bourgogne: Genèse et représentations d'une sainteté impériale*; *Actes du colloque international du Centre d'Études Médiévales*, ed. Patrick Corbet, Monique Goullet, and Dominique Iogna-Prat (Dijon 2002) 43–54.

[91] *Diplomata Ottonis III*, no. 95 (29 May 992, Trier), MGH DD O III.:506–507. Now archived at the Bibliothèque nationale de France, MS lat. 9265, Nr. 14. The historiographical tradition attached to these charters is complex, for two other single-sheet charters purportedly dating to the reigns of Otto I (*Diplomata Ottonis I*, no. 391) and Otto II (*Diplomata Ottonis II*, no. 57) are associated with this benefice. Theo Kölzer, however, in his detailed study of these diplomas as part of his analysis of St. Maximin's forged and pseudo-original charters, concludes that *Diplomata Ottonis III*, no. 92, was written in the mid-eleventh century, but was based on an authentic grant. See Theo Kölzer, *Studien zu den Urkundenfälschungen des Klosters St. Maximin vor Trier (10.–12. Jahrhundert)* (Sigmaringen 1989) 95–107 et passim.

agreed, "but intervening death prevented the execution of his *votum*."[92] Thietfrid and his abbatial successor, Ogo, kept approaching the new emperor Otto II, but because of "various wars and other imperial business," their *petitio* was repeatedly put off.[93] In the final decade of the tenth century, Abbot Folcmar of St. Maximin took up this concern once more. The abbot came prepared with the *postulatio* and *promissio* of the *testes et inventores* (witnesses and intercessors), "that is, our most beloved grandmother, the blessed empress Adelheid as well as the venerable Archbishop Willigis of Mainz," who both attested to the *votum* (pledge) of Otto I before he died and the series of subsequent requests for this property's restoration at the court of Otto II.[94] After repeating how this benefice finally came into being "through the *petitio* of the aforesaid witnesses and intercessors," the charter declares that Otto III restored these stolen properties, so that the monks of St. Maximin might be free to constantly entreat God "for the absolution of the souls of our grandfather and father of pious memory as well as for the *status* and safety of our kingdom."[95]

As a witness and intercessor to past events, Adelheid acted as an agent of memory through whom past intentions were not only remembered but also realized in this present moment for the benefit and stability of the Ottonian kingdom. In his study of intercession in Carolingian and Ottonian politics, Sean Gilsdorf argued that Adelheid's intercession functioned equally as a sign of her *familiaritas* to these kings and to St. Maximin: "Adelheid's intercession now marked a relationship with the monastery, one encoded within institutional tradition, while the queen-dowager herself provided an evidentiary link to the past, able to testify to long-ago events and thus validate them."[96] What remains to be explored, however, is how these actions function outside of a familial context and, furthermore, how her actions as intercessor and witness for the dead could suit her own political ends in the near term.

This charter for St. Maximin occurred at a moment of significant change for the Ottonian Empire: the unexpected death of the regent, Empress Theophanu. Famously, young Empress Theophanu died in the midst of "bringing the entire

[92] "[S]ed voti eius effectum mors interveniens impedivit." *Diplomata Ottonis III*, no. 95 (n. 91 above) 506.

[93] "[S]ed variis bellorum aliorumque imperii negotiorum." Ibid.

[94] "Nos tamen regni et voti eorum successores adiens praedicti monasterii venerabilis abbas Folcmarus per harum postulationem et promissionem testes et interventores, dilectissimam videlicet aviam nostram divam imperatricem Adalheidem nec non et venerabilem sanctae Mogontine ecclesiae archiepiscopum Vuilligisum." Ibid.

[95] "[P]er petitionem praedictorum testium et interventorum … pro animarum absolutione piae memoriae avi et genitoris nostri nec non pro statu et incolomitate regni nostri dei misericordiam iugiter exoret." Ibid.

[96] Gilsdorf, *Favor of Friends* (n. 31 above) 34.

empire under her authority," according to the annalist of Quedlinburg.[97] Soon after celebrating Easter at Quedlinburg with a large assembly, Theophanu traveled to Nijmegen and, "having filled her life with good deeds," suddenly died.[98] Otto III and the court bore her body to St. Pantaleon, Cologne, "where she was interred tearfully and with the highest honor … as she herself had decreed."[99]

According to the *Annales Quedlinburgenses*, "crowds of bishops, an assembly of monks and virgins, and all the clergy and people looked on" as Empress Theophanu was laid to rest.[100] However, her surviving mother-in-law, Empress Adelheid, was not explicitly counted among this crowd. Immediately after their narration of Theophanu's funeral, the *Annales Quedlinburgenses* do place Adelheid at another important funeral. A count named Manegold had also died in 991. According to the annalist, the empress accompanied Manegold's corpse to Quedlinburg for a specific reason, namely, "because of the faithful service he had shown to Empress Adelheid."[101] Hagen Keller has identified this nobleman as the same Manegold, count of Zürichgau, who acted as *advocatus* of Einsiedeln Abbey, and who was a distant relative of Adelheid.[102] Crucially for present purposes, this possible familial connection is not alluded to anywhere in either the *Annales Quedlinburgenses* or the diplomatic record.

In the months following Theophanu's and Manegold's deaths, the royal chancery composed a slew of diplomas. Many of these charters benefitted Adelheid's new foundation of the monastic community at Selz. At subsequent assemblies in Pöhlde in December 991 and at Boppard two weeks before Easter the following year, seven diplomas granted Selz royal protection, immunity, and the right of free election, as well as confirmation of their properties in Ottersdorf.[103] These charters also granted to the monastery new properties in

[97] "[D]um quadam quasi compede totum sua ditione colligasset imperium." *Annales Quedlinburgenses*, a. 991, MGH SS rer. Germ. 72:478.

[98] "[C]onsummato in bonis vitae suae cursu." Ibid.

[99] "[U]t ipsa decreverat … tumulatur honore." Ibid. 479. See also Sebastian Ristow, "St. Pantaleon in Köln: Ausgrabungen, Bau- und Forschungsgeschichte der Lieblingskirche von Kaiserin Theophanu," in *Byzanz in Europa: Europas östliches Erbe; Akten des Kolloquiums 'Byzanz in Europa' vom 11. bis 15. Dezember 2007 in Greifswald* (Turnhout 2011) 50–64.

[100] "[S]tipante episcoporum, monachorum virginumque coetu, astante etiam omni clero ac populo ultimo flebiliter." *Annales Quedlinburgenses*, a. 991 (n. 97 above) 479.

[101] "[P]ropter fidele servitium imperatrici Adelheidae." Ibid. 480.

[102] Hagen Keller, *Kloster Einsiedeln im ottonischen Schwaben* (Freiburg 1964) 22ff. See also Stefan Weinfurter, "Kaiserin Adelheid und das ottonische Kaisertum," *Frühmittelalterliche Studien* 33 (1999) 1–19; and MacLean, *Ottonian Queenship* (n. 47 above) 162–163.

[103] *Diplomata Ottonis III*, no. 77 (29 December 991, Pöhlde) (n. 91 above) 483–484. Original: Karlsruhe, Badisches Generallandesarchiv, Sign. A 53. RI II,3 n. 1041. Ibid. no. 78 (29 December 991, Pöhlde) 484–485. Original: lost. Copy: thirteenth-century copy, Wiesbaden Staatsarchiv, RI II,3 n. 1042. Ibid. nos. 79a and 79b (4 January 992, Pöhlde) 485–488. Authenticity debated. Original: lost. Copies (79a): Grandidier in Würdtwein, Nova subs. 5 (1785) 349,

Alsheim, Biebrich, Moosbach, Ober-Otterbach, Nieder-Otterbach, Dierbach, Sermersheim, and Steinweiler. According to these charters, Adelheid directly petitioned (*petens*) the young king, or else intervened (*ob interventum*) to achieve these results.[104]

Two of these diplomas merit particular attention. Both were issued at Boppard on 11 March 992, and both survive as single-sheet charters in the Badisches Generallandesarchiv in Karlsruhe.[105] In these diplomas, the young king Otto III bestows on Empress Adelheid's new foundation at Selz two properties at Sermersheim (Alsace) and Steinweiler (Speyergau).[106] The first charter opens with an *arenga* proclaiming that Otto believed that whatsoever he gave from the bounty of his kingdom for the exaltation of the churches of God, he would without doubt be rewarded in heaven and, importantly, in his present

no. 133. Copies (79b): Karlsruhe, Badisches Generallandesarchiv A 54a (s.xii) and Karlsruhe, Badisches Generallandesarchiv A 54b (s.xiii). RI II,3 n. 1046 (79a). RI II,3 n. 1042a (79b). Ibid. no. 80 (--- ---, ---) 488. Original: lost. Copy: Karlsruhe, Badisches Generallandesarchiv, A 49 (s.xii). RI II,3 n. 1045. Ibid. no. 86 (11 March 992, Boppard) 494–495. Original: Badisches Generallandesarchiv zu Karlsruhe, Sign. A 56 (A). RI II,3 n. 1052. Ibid. no. 87a (11 March 992, Boppard) 495–497. Original (perhaps interpolated): Badisches Generallandesarchiv, Sign. A 55 a and Badisches Generallandesarchiv, Sign. A 55 c. RI II,3 n. 1053. Ibid. no. 87b (11 March 992, Boppard) 495–497. Original: Karlsruhe, Badisches Generallandesarchiv, A 55b (A2). Copy: Karlsruhe, Badisches Generallandesarchiv, A 55d (s.xii?). RI II,3 n. 1053I. Ibid. no. 88 (11 March 992, Boppard) 498. Possible forgery. Original: lost. Copy: Karlsruhe, Badisches Generallandesarchiv, Sign. A 52 (s.xii?). RI II,3 n. 1054.

[104] *Diplomata Ottonis III*, no. 77 (n. 91 above) 484: "[Q]ualiter nos rogan[t]e carissima avia nostra Adalheida imperatrice augusta et dilectissima filia eius Mathilde abbatissa amita nostra." Ibid. no. 78, 484: "[Q]ualiter nos rogante carissima avia nostra Adelheida imperatrice augusta." Ibid. no. 86, 495: "[O]b interventum [c]arae avie nostre Ad[a]lheidis videlicet imperatricis augustae … rursum iterata petitione ipsius iam dicte aviae nostrae cum eius aliorumque fidelium nostrorum [c]o[n]s[ultu], Vuilligisi videlicet Mogon[tine] sedis archipresulis et [ve]nerab[ili]um episcoporum Hildibaldi Uuormatiensi[s cleri] ac Notkeri Leodicensis ecclesi[ae aliorumque] complurium." Ibid. nos. 87a and 87b, 496: "[O]b interventum carae aviae nostrae Adalheidis videlicet imperatricis augustae … rursum iterata petitione ipsius iam dictae aviae nostrae cum eius aliorumque fidelium nostrorum consultu, Uuilligisi videlicet Mogontine sedis honorandi archipresulis et venerabilium episcoporum Hildibaldi Uuormaciensis cleri ac Notkeri Leodicensis ecclesiae aliorumque complurium." Ibid. no. 88, 498: "[O]b interventum care avie nostre Adelheidis scilicet imperatricis auguste aliorumque fidelium nostrorum consultum, Willigisi videlicet Mogontine sedis honorandi archipresulis et venerabilium episcoporum Hiltibaldi Wormatiensis cleri ac Notkeri Leodicensis ecclesie aliorumque complurium."

[105] Ibid. no. 86, 494–495; and Ibid. nos. 87a and 87b, 496–497.

[106] For the wider context surrounding Empress Adelheid and the foundation of Selz, see Wilhelm Erben, "Die Anfänge des Kloster Selz," *Zeitschrift für die Geschichte des Oberrheins* 7 (1892) 1–37; Weinfurter, "Kaiserin Adelheid" (n. 102 above) 1–19; Franz Staab and Thorsten Unger, eds., *Kaiserin Adelheid und ihre Klostergründung in Selz: Referate der wissenschaftlichen Tagung in Landau und Selz vom 15. bis 17. Oktober 1999* (Speyer 2005); and Giovanni Isabella, "Matilde, Edgith e Adelaide: Scontri generazionali e dotari delle regine in Germania," *Reti Medievali Rivista* 13 (2012) 203–244, at 239ff.

life.[107] The charter then announces the grant of Sermersheim to the monastery of Selz via a lengthy and important *narratio*. The diploma first states that this grant was made on account of an earlier *praeceptio* (royal order), in which this property had been handed over to Count Manegold following the intercession of Otto III's beloved grandmother, the august Empress Adelheid ("carae avie nostre videlicet imperatricis augustae").[108] This previous precept, according to the current diploma, had been made for the benefit of Adelheid's and Manegold's souls as they had formulated plans to found Selz.[109]

However, according to this diploma, Manegold's death prevented Selz's foundation at this juncture.[110] Before the end of his life (*ante finem vitae*), the scribe goes on to state, Manegold had entrusted Sermersheim to Adelheid, "having executed it with a testament by means of an oath [*iuramentaria testatio*] before God."[111] After Manegold had died and Adelheid had accompanied his body to Quedlinburg for burial, Adelheid renewed Manegold's petition, this time with Archbishop Willigis of Mainz, Bishop Hildibald of Worms, and Bishop Notker of Liège, as well as many unnamed others.

Both this diploma of Sermersheim and the subsequent grant of Steinweiler, to be discussed shortly, employ a unique phrase to describe Manegold's oath: *iuramentaria testatio*. This particular phrase appears in no other early medieval charter, let alone any other tenth-century diploma.[112] In Roman law, a *testatio* (literally translated as an "attestation") designated either oral testimony or, more often, a written document that recorded that a specific action had

[107] "Quicquid ad exaltationem ecclesiarum dei pro divino amore de nostra regia munificentia boni facimus, hoc procul dubio ad aeternam et presentem salutem n[ob]is profuturum credimus." *Diplomata Ottonis III*, no. 86 (n. 91 above) 494.

[108] "[O]b interventum [c]arae avie nostre Ad[a]lheidis videlicet imperatricis augustae a nobis antea Manegoldo comiti per nostram praecep[ti]onem datum." Ibid. 495. "[O]n account of the intervention of our dear grandmother, Adelheid, namely the august empress, having been granted from us formerly to Count Manegold through our *preceptio*."

[109] "[U]t inde pro sua et illius anima in loco utrique melius apto monasterium faceret." Ibid. "[S]o that it might bring about a monastery in this place for the apt betterment for both her [Adelheid's] and his [Manegold's] soul."

[110] "[E]t ille morte praevenite hoc minime completo." Ibid. "[A]nd, with this [i.e., the monastery] hardly completed, having been prevented by his death."

[111] "[A]nte finem vitae sue praedictae avie nostre praedio praefato in illius ius reddito, iuramentaria testatione propter deum id peragendum commendar[et atque] d[i]mitteret." Ibid. "[H]e returned the aforesaid estate in his *ius* to our aforementioned grandmother before the end of his life, entrusted and released it, having executed [it] with a *testatio* by means of an oath before God." I wish to thank one of the anonymous reviewers at *Viator* who provided invaluable insights into this clause.

[112] Indeed, when entering the term *iuramentaria testatione* (or a modified *iuramentar* testa**), the Brepols Cross Database Searchtool only presents two results, namely these two diplomas: *Diplomata Ottonis III*, no. 86, and *Diplomata Ottonis III*, no. 87a.

taken place, written in the third person.[113] As Joseph Wolf has underscored, the *testatio*'s "evidential value rested solely on the participation of the witnesses," with the names of witnesses appearing next to their seals on written *testationes*, thereby making the *testatio* "a combination of proof by means of the document and by means of witnesses."[114] Within testamentary law, Justinian's *Institutiones* II.x began with an etymological definition of a *testamentum* as rooted in the *testatio mentis*, which entails the determination of the mind.[115] In this particular context, it remains unclear whether Manegold issued a *testatio* in the strict legal sense of the term or, perhaps more likely, executed an attestation by means of an oath before God and before those gathered at Manegold's side before his death. In either case, it must be underscored that this "attestation by means of an oath" was witnessed and gained its legal weight through the presence of these witnesses. Adelheid was specifically designated in the charter as the person to whom Manegold returned these lands and, according to the clause following the performance of the *iuramentaria testatio*, she was the person who led the charge in carrying out Manegold's *petitio*. This charter firmly establishes Adelheid's actions in a recognized legal sense as a testamentary witness before Manegold's death, which then facilitated her intercession after he had passed.

The transfer of Sermersheim to Selz is attested in one single-sheet charter, which scholars largely accept as an original diploma.[116] The charter attesting to the grant of Steinweiler has a more complex manuscript transmission.[117] Like the charter of Sermersheim, a single-sheet charter of Otto III's grant of Steinweiler to Selz remains extant in the Karlsruhe Generallandesarchiv (Selekt d. ält. Urk. Nr.55a, referred to here as A). However, there are also two additional single-sheet charters in Karlsruhe, Selekt d. ält. Urk. Nr.A 55b (A^1) and Selekt d. ält. Urk. Nr.A 55d (A^2).[118]

Charters A and A^1 correspond exactly in this grant of Steinweiler to Selz. After the invocation, both versions echo the *arenga* of the Sermersheim charter, reiterating Otto III's confidence in reaping spiritual rewards both in his present circumstances and in eternity for his generosity toward God's church-

[113] For more on the *testatio* in Roman law and practice, particularly in relation to other legal documents such as the *chirographum*, see Elizabeth A. Meyer, *Legitimacy and Law in the Roman World:* Tabulae *in Roman Belief and Practice* (Cambridge 2004) 132–133.

[114] Joseph G. Wolf, "Documents in Roman Practice," in *The Cambridge Companion to Roman Law*, ed. David Johnston (Cambridge 2015) 61–84, at 64.

[115] *Justinian's Institutes*, II.x (n. 23 above) 68–70.

[116] RI II,3 n. 1052.

[117] RI II,3 n. 1052; and RI II,3 n. 1053I.

[118] Ibid.

es.[119] Apart from the substitution of Steinweiler for Sermersheim and the appropriate *comitatus*, A and A^1 continue to follow the Sermersheim charter by describing how Empress Adelheid interceded for Count Manegold in a previous *praeceptio*, which was intended for the foundation of a monastery for the spiritual benefit of both the empress and the count.[120] Once again employing the same terminology as the Sermersheim grant, A and A^1 describe how this foundation was delayed by Manegold's death, but not before Manegold swore a *iuramentaria testatio* before God.[121] And, as in the Sermersheim grant, A and A^1 state that Adelheid now intervened at the present assembly in Boppard with Archbishop Willigis of Mainz, Bishop Hildibald of Worms, Bishop Notker (of Laon), and several others.[122]

The Sermersheim and Steinweiler grants do more than pronounce two significant gifts of land for Adelheid's new monastery at Selz. These charters also enshrine Manegold's *memoria* in the legal framework and the economic foundation of Adelheid's new monastery, and establish Adelheid as an advocate imbued with the authority and responsibility to continue on her own account their joint plans. Within these outlined passages, these charters serve first as monuments to Adelheid's and Manegold's joint efforts toward Selz's foundation in the year or years before Manegold's death. They then go further in highlighting Adelheid's prominence as an entrusted purveyor of these lands, particularly in the *iuramentaria testatio* Manegold swore before God and, presumably, before Adelheid herself alongside the gathered members of Manegold's family, household, and the empress's own entourage. Finally, these

[119] "Quicquid ad exaltationem ecclesiarum dei pro divino amore de nostra regia munificentia boni facimus, hoc procul dubio ad aeternam et praesentem salutem nobis profuturum credimus." *Diplomata Ottonis III*, no. 87a (n. 91 above) 496.

[120] "[O]b interventum carae aviae nostrae Adalheidis videlicet imperatricis augustae a nobis antea Managoldo comiti per nostram praeceptionem datum, ut inde pro sua et illius anima in loco utrique melius apto monasterium faceret." Ibid. "[O]n account of the intervention of our dear grandmother, Adelheid, namely the august empress, having been granted from us formerly to Count Manegold through our *preceptio*, so that it might bring about a monastery in this place for the apt betterment of both her [Adelheid's] and his [Manegold's] soul."

[121] "[E]t ille morte praeveniente hoc minime completo, ante finem vitae suae praedictae aviae nostrae praedio prefato in illius ius reddito, iuramentaria testatione propter deum id peragendum commendaret atque dimitteret." Ibid. "[A]nd, with this [i.e. the monastery] hardly completed, having been prevented by his death, he returned the aforesaid estate in his *ius* to the our aforementioned grandmother before the end of his life, entrusted and released it, having executed [it] with a *testatio* by means of an oath before God."

[122] "[R]ursum iterata petitione ipsius iam dictae aviae nostrae cum eius aliorumque fidelium nostrorum consultu, Uuilligisi videlicet Mogontine sedis honorandi archipresulis et venerabilium episcoporum Hildibaldi Uuormaciensis cleri ac Notkeri Leodicensis ecclesiae aliorumque complurium." Ibid. "[T]his reiterated petition of our aforementioned grandmother, with her counsel and [that of] others of our *fideles*, namely Archbishop Willigis, deservedly honored with the seat of Mainz, and the venerable bishops Hildibald of Worms, Notker of the church of Liège and many others."

charters prove her success in completing the endeavor of founding Selz as well as her determination to ensure the immediate inscription of Manegold's *memoria*. This immediate inscription of his *memoria* addressed the spiritual commemoration of a *fidelis*'s soul; it equally bore significant economic advantages for the empress and her surviving allies.

Adelheid's commemoration of Manegold and her mobilization of his memory to found Selz were not recorded faithfully by later scribes. Another version of this same grant of Steinweiler to Selz, a third single-sheet charter A^2, contains almost exactly the same language, yet with a crucial difference. This particular version omits Manegold, his death, and Manegold's oath before God. Instead, this version skips straight to Adelheid's intervention at Boppard with Willigis, Hildibald, Notker, and many others. On paleographical grounds, some scholars have called A^2 into question; indeed, a visual comparison of all three charters suggests significant discrepancies. Whether a later interpolated copy or a twelfth-century forgery, it is remarkable how cleanly Manegold was excised from the parchment.[123] But before these exigencies of history took hold, in the immediate aftermath of Manegold's death, his name and his aims were carried forward by Adelheid, sustained through her actions in the memory of the living.

Conclusion

Death creates absence; absence invites contestation. This article has shown how Queen Gerberga and Empress Adelheid worked within their political communities to stanch this *post mortem* potential for disaster, to institute the correct form of *memoria* for dead allies, and to mark out a clear direction for the future of their realms. Focusing on the months and years directly following the death of an important *fidelis* makes visible the immediate political importance of *memoria*. But that importance was not restricted to the tenth century. As with memories shaped over the *longue durée*, the immediate *memoria vivorum* served a plurality of purposes in early medieval Europe, and might be traced further into the High Middle Ages.

The memory of the living inscribed the commemoration of the recently deceased into the legal and religious framework of selected monastic foundations, while rebinding the political community together toward a singular purpose in the wake of this loss. But instead of focusing chiefly on the spiritual wellbeing of their kin or the collective identities of their wider communities, these royal women were likewise focused on using *memoria* to shape the distribution of wealth and to signal their continued dedication to their deceased

[123] For more on forgeries (and diplomas in general) as "strategically manipulable instruments of politics," see Koziol, *Politics of Memory* (n. 15 above) 39 et passim.

allies. Whereas studies of the creation of collective memory over generations largely overlook immediate postmortem struggles, this analysis of the short-term implementation of commemoration explains how tenth-century royal women sustained and extended the obligations of political alliance, even in the absence created by death.

In a recent philosophical exploration of death and its significance, Samuel Scheffler considers why many people throughout history have clung to the idea of a personal afterlife, the idea that they will continue to exist, in some fashion, after their own deaths.[124] He distinguishes two particular desires that ground this idea. The first desire, per Scheffler, reflects a hope of preserving one's place in a "web of valued social relationships."[125] The second desire extends beyond the immediate social network of the dead, reflecting an urge to inhabit a world "in which the values of justice and fairness prevail."[126]

Scheffler's analysis directly concerns modern conceptions of death and the afterlife. Yet these dual desires, for the preservation of personal networks and the achievement of broader forms of justice, also resonated in the medieval world. As agents of memory, Gerberga and Adelheid each advocated for the continued position of their dead allies within the minds of those still living, both through the inscription of their names into these charters and the prayers and liturgies repeated thereafter in their favored abbeys. Crucially, these royal women also implemented the values of justice and fidelity—values so crucial to the exercise of rulership in the early Middle Ages—in a concrete and public fashion. By interceding for the dead, justly fulfilling the intentions of the deceased, and garnering consensus for the resulting testamentary dispositions, they sought to memorialize the dead with a fitting afterlife, consolidate their own position, and create a stable political future for themselves.

[124] Samuel Scheffler, *Death and the Afterlife* (Oxford 2013).
[125] Ibid. 69–70.
[126] Ibid. 70.

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